IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 26526 of 2005(G)

AGAINST THE ORDER IN EP.NO.394/2003 IN
OS.298/1998 of PRL.SUB COURT,THRISSUR

.....

PETITIONER:

FRANCIS, S/O.INNASU, MUTTATHU HOUSE,
PAVARTY, THRISSUR DISTRICT.

BY ADV. SRI.M.K.DILEEP KUMAR

RESPONDENT:

OLLUR SADHU SAMRAKSHNA SANGAM,
OLLUR, THRISSUR DISTRICT.

BY ADV. SRI.JIJO PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

- -

W.P.(C) No.26526 of 2005

- -

Dated: 11th June, 2007

JUDGMENT

Heard both sides. In this Writ Petition under Article 227 of the Constitution the petitioner seeks a direction to the execution court to pass necessary orders so as to enable the petitioner to discharge the decree debt in instalments. Mr.M.K.Dileepkumar, counsel for the petitioner submits that the petitioner has complied with the condition imposed by this court on 7.9.2005 that a sum of Rs.25,000/- shall be paid on or before 9.9.2005 for getting stay. Counsel submits that the petitioner will make regular payment if instalment facility is granted. Counsel for the respondent submits that after giving credit to all the payments made so far the balance amount will come to Rs.2,50,000/- lakhs.

2. Considering the rival submissions addressed before me, I feel that some indulgence can be shown to the petitioner and the petitioner can be permitted to discharge the balance decree amount in monthly instalments of Rs.15,000/- provided he does not cause default of any two instalments. Under these circumstances, this Writ Petition will stand disposed of directing that the order of stay presently granted will continue only if the petitioner pays every

month commencing from 2.7.2007 at the rate of Rs.15,000/- towards the decree debt. If default is caused in making any two instalments, he will forfeit the benefits of this judgment. If the petitioner pays the instalments without fail, it is open to him to file an application for recording satisfaction of the decree before the court below once he is confident that the debt is paid off. If such an application is received the court below will consider that application, hear both parties and take a decision on that application.

srd **PIUS C.KURIAKOSE, JUDGE**